

## Message Text

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ORIGIN OES-06

INFO OCT-01 EUR-12 ISO-00 L-03 /022 R

DRAFTED BY OES/OFA/FA:LLSNEAD:MAF  
APPROVED BY OES/OFA/FA:ALZUCCA  
L/OES - D. COLSON  
EUR/WE - J. LIMPRECHT

-----102106Z 112413 /66

P 101916Z MAR 77  
FM SECSTATE WASHDC  
TO AMEMBASSY MADRID PRIORITY  
INFO AMEMBASSY COPENHAGEN PRIORITY

UNCLAS STATE 053353

COPENHAGEN FOR REG. FISHATT

E.O. 11652: N/A

TAGS: EFIS, XN, SP, US

SUBJECT: SPANISH APPLICATION FOR FISHERY PERMITS  
SOUTH OF 35TH PARALLEL

REF: MADRID 1742

1. SPANISH INTERPRETATION OF US OBLIGATIONS UNDER FISHERY  
CONSERVATION AND MANAGEMENT ACT OF 1976 NOTED IN PARA 2  
OF REFTTEL IS SUBSTANTIALLY CORRECT. HOWEVER, DEPARTMENT  
BELIEVES THAT SPANISH MAY BE ANTICIPATING MUCH QUICKER  
DEVELOPMENT OF A MANAGEMENT PLAN FOR SQUID THAN MAY BE  
THE CASE.

2. UNDER THE ACT, THE REGIONAL COUNCILS HAVE THE RE-  
SPONSIBILITY TO PREPARE AND SUBMIT TO THE SECRETARY OF  
COMMERCE A FISHERY MANAGEMENT PLAN FOR EACH FISHERY WITHIN  
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ITS GEOGRAPHICAL AREA OF AUTHORITY. EACH MANAGEMENT PLAN  
IS TO INCLUDE A STATEMENT OF THE SURPLUS, IF ANY, AVAILABLE  
FOR FOREIGN FISHING. THE COUNCILS ARE ALSO RESPONSIBLE  
FOR COMMENTING ON ANY APPLICATIONS FOR FOREIGN FISHING.  
THE SECRETARY OF COMMERCE IS RESPONSIBLE FOR APPROVING  
FISHERY MANAGEMENT PLANS AND ESTABLISHING THE CONDITIONS  
AND RESTRICTIONS WHICH SHALL BE INCLUDED IN EACH PERMIT

ISSUED PURSUANT TO ANY APPROVED APPLICATION FOR FOREIGN

FISHING.

3. THE ACT ALSO PROVIDES THAT THE SECRETARY OF COMMERCE MAY PREPARE A FISHERY MANAGEMENT PLAN IF THE APPROPRIATE REGIONAL COUNCIL FAILS TO DEVELOP OR AMEND SUCH A PLAN AFTER A QUOTE REASONABLE UNQUOTE PERIOD OF TIME. HOWEVER, SUCH A PLAN IS STILL SUBJECT TO REVIEW BY THE APPROPRIATE REGIONAL COUNCIL.

4. DEPT'S EXPECTATION IS THAT RECEIPT OF SPANISH APPLICATIONS TO FISH FOR SQUID SOUTH OF 35TH PARALLEL IS LIKELY TO TRIGGER EITHER 1) AMENDMENT OF THE EXISTING PRELIMINARY MANAGEMENT PLAN ON SQUID, OR 2) DEVELOPMENT OF A NEW PLAN IN THE MID-ATLANTIC REGION. THERE IS A LEGAL QUESTION WHETHER A PRELIMINARY MANAGEMENT PLAN CAN BE AMENDED SUBSEQUENT TO MARCH 1, 1977, OR WHETHER AN ENTIRELY NEW FISHERY MANAGEMENT PLAN MUST BE DEVELOPED. PROBABLY, THE PROCEDURE TO BE TAKEN BY THE COUNCILS AND DEPT OF COMMERCE WILL IN SOME WAYS DEPEND ON SPECIFIC GEOGRAPHIC AREA OF INTEREST TO GOS. IN EITHER CASE THE PROCESS WILL BE TIME-CONSUMING BECAUSE OF REVIEW PROVISIONS IN US LAW FOR THE DEVELOPMENT OR AMENDMENT OF MANAGEMENT PLANS, AND BECAUSE OF RELEVANT ENVIRONMENTAL IMPACT STATEMENT PROCEDURES. ALTHOUGH THE MANAGEMENT MECHANISM MAY MOVE QUICKLY, GOS SHOULD NOT BE LED TO BELIEVE THAT MANAGEMENT SYSTEM WILL PRODUCE A MANAGEMENT PLAN TO ALLOW SPANISH VESSELS TO FISH SQUID IN THIS AREA  
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WITHIN THE NEXT FEW MONTHS.  
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## Message Attributes

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**Capture Date:** 01-Jan-1994 12:00:00 am  
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**Current Classification:** UNCLASSIFIED  
**Concepts:** LITIGATION, FISHING RIGHTS, FISHING LIMITS  
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**Disposition Approved on Date:**  
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**Subject:** SPANISH APPLICATION FOR FISHERY PERMITS SOUTH OF 35TH PARALLEL  
**TAGS:** EFIS, XN, SP, US  
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**Type:** TE  
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**Review Markings:**  
Margaret P. Grafeld  
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US Department of State  
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22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009